



**Texas Department of Insurance  
Division of Workers' Compensation**

Medical Fee Dispute Resolution, MS-48

7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1609

## MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

### PART I: GENERAL INFORMATION

Requestor Name and Address:  SPINECARE LLP 5734 SPOHN DRIVE CORPUS CHRISTI TX 78414	MFDR TRACKING #: M4-11-0325-01
	DWC Claim #: 1
	Injured Employee:
	Date of Injury:
Respondent Name and Box #:  STATE OFFICE OF RISK MANAGEMENT Box #:45	Employer Name:
	Insurance Carrier #:

### PART II: REQUESTOR'S POSITION SUMMARY

**Requestor's Position Summary as stated on the Table of Disputed Services:** "...The primary diagnosis is the same diagnosis as listed on the authorization letter due to the fact that this procedure was performed for his compensable injury."

**Amount in Dispute:** \$618.37

### PART III: RESPONDENT'S POSITION SUMMARY

**Respondent's Position Summary:** "...the carrier has disputed the diagnosis of Cervical Stenosis. The Office filed a PLN 11 on 10/16/08 disputing entitlement of disability benefits and Medical Treatment related for the diagnoses and conditions of degenerative changes of the cervical...Further review of the request for medical fee dispute, the Office found that there has not been a Benefit Review Conference held to resolve the extent of injury issue..."

### PART IV: SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Calculations	Amount in Dispute	Amount Due
3/8/2010	62310	NA	\$618.37	\$0.00
			<b>Total Due:</b>	<b>\$0.00</b>

### PART V: FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

#### Background

1. 28 Tex. Admin. Code §133.305 relates to MDR – General.
2. 28 Tex. Admin. Code §133.307 sets out the procedures for health care providers to pursue a medical fee dispute.
3. 28 Tex. Admin. Code §141.1 sets out the procedures for requesting and setting a Benefit Review Conference.

#### Issues

1. Did the requestor file for medical fee dispute resolution in accordance with 28 Tex. Admin. Code §§133.305 and 133.307?
2. Is the requestor eligible for medical fee dispute resolution under §133.307?

#### Findings

1. The requestor filed a dispute with the Medical Fee Dispute Resolution section at the Division. According to 28 Tex. Admin. Code §133.305(a)(4), a medical fee dispute is a dispute that involves an amount of payment for non-network health care rendered to an injured employee (employee) for health care determined to be medically necessary and appropriate for treatment of that employee's compensable injury. Furthermore, 28 Tex. Admin. Code §133.305(b)

states, "Dispute Sequence. If a dispute regarding compensability, extent of injury, liability or medical necessity exists for the same service for which there is a medical fee dispute, the disputes regarding compensability, extent of injury, liability or medical necessity shall be resolved prior to the submission of a medical fee dispute for the same services in accordance with Labor Code Sections 413.031 and 408.021." 28 Tex. Admin. Code §133.307(e)(3)(H) states that the Division may dismiss a request for medical fee dispute resolution if the carrier has raised a dispute pertaining to compensability, extent of injury, or liability for the claim and the Division shall notify the parties of the review requirements pursuant to §124.2 of this title, and will dismiss the request until those disputes have been resolved by a final decision, inclusive of all appeals. The appropriate dispute process for unresolved issues of compensability, extent and/or liability requires filing for a Benefit Review Conference pursuant to 28 Tex. Admin. Code §141.1. No documentation was found to support that the issue(s) of compensability, extent and/or liability have been resolved as of the undersigned date.


2. The requestor has failed to support that the services are eligible for medical fee dispute resolution pursuant to 28 Tex. Admin. Code §133.307.

### **Conclusion**

For the reasons stated above, the division finds that the requestor has failed to establish that reimbursement is due. As a result, the amount ordered is \$0.00.

### **PART VI: ORDER**

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code §413.031, the Division has determined that the requestor is entitled to \$0.00 reimbursement for the disputed services.

 _____ Authorized Signature	_____ Medical Fee Dispute Resolution Officer	15 DECEMBER 2010 _____ Date
--	---	-----------------------------------

### **PART VII: YOUR RIGHT TO REQUEST AN APPEAL**

Either party to this medical fee dispute has a right to request an appeal. A request for hearing must be in writing and it must be received by the DWC Chief Clerk of Proceedings within 20 (twenty) days of your receipt of this decision. A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Department of Insurance, Division of Workers Compensation, P.O. Box 17787, Austin, Texas, 78744. **Please include a copy of the Medical Fee Dispute Resolution Findings and Decision** together with other required information specified in Division rule at 28 Texas Administrative Code §148.3(c).

Under Texas Labor Code Section 413.0311, your appeal will be handled by a Division hearing under Title 28 Texas Administrative Code Chapter 142 rules if the total amount sought does not exceed \$2,000. If the total amount sought exceeds \$2,000, a hearing will be conducted by the State Office of Administrative Hearings under Texas Labor Code Section 413.031.

**Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.**